

**LIMITED ENGLISH PROFICIENCY (LEP)**

**Purpose:** This category provides staff with basic information about Community Service Office responsibilities in identifying the need for and providing services to LEP clients. LEP services are intended to assure that persons limited in their ability to read, write and or speak English have equal access to department programs and services. The provision of qualified interpreters and fully translated letters to LEP clients is required under the Reyes Consent Order (implementing previous Pre-Determination Settlement Agreements in 1983 and 1987 between the Region X Office for Civil Rights and DSHS) as well as by state (RCW 74.04.025) and federal laws (Title VI of the Civil Rights Act and implementing regulations at 45 CFR Part 80).

Effective January 18, 2003

**WAC 388-271-0010 What are limited English proficient (LEP) services?**

- (1) The department provides limited English proficient (LEP) services to you if you are limited in your ability to read, write and/or speak English. These services provide a way for us to communicate with you even though you are limited in your ability to communicate in English. LEP services are provided in your primary language by authorized bilingual workers or by contracted interpreters and translators. Your primary language is the language you have indicated on your application or your eligibility review as the language you wish to communicate in with the department.
- (2) LEP services include:
  - (a) Interpreter (verbal) services in person and/or over the telephone; and
  - (b) Translation of department forms, letters and other printed materials.

**CLARIFYING INFORMATION**

1. The department provides interpreter and translation services in accordance with DSHS Administrative Policy 7.21.
2. Each CSO has designated at least one staff to assist in coordinating interpreter and translation services for their office.
3. Affected staff are required to participate in "How to Work with an Interpreter" training. This training covers the following topics:

- a. LEP laws and regulations
- b. Differences between bilingual workers and contracted interpreters
- c. How to access the services of an interpreter in all situations; and
- d. How to effectively conduct an interview with an interpreter.

**Interpreter Services**

Effective January 18, 2003

**WAC 388-271-0020 What are the department's responsibilities in providing me with an interpreter?**

- (1) If you have trouble speaking and/or understanding English, and a bilingual worker is not available to assist you, we get a qualified interpreter in your primary language to help you communicate verbally with us. A qualified interpreter is someone who is fluent in English and your primary language and is trained on the Interpreter Code of Professional Conduct.
- (2) Interpreter services are provided in-person or over the telephone.
- (3) We pay for the interpreter. You do not have to pay anything.
- (4) If a worker from our department feels that they are not able to communicate with you well enough to provide adequate services, they may request the services of an interpreter even if you did not ask for help.
- (5) We will provide interpreter services to you in a timely manner so that we can process your case within the processing timeframes defined in chapter 388-406, 388-418, and 388-434 WAC.

**CLARIFYING INFORMATION**

- 1. Clients are asked to determine whether they have trouble reading, writing or speaking English on the application form. Even those clients who may speak and appear to understand some English do not necessarily have the skills to understand their rights and responsibilities, letters and other forms of communication provided to them as recipients of Department services.

2. If the client elects to have an interpreter, the file is flagged **LEP** and services are provided at no cost and without significant delay.
3. Family members and friends should not be used for interpretive services
4. The department has statewide contracts with several companies that provide interpreter services at a minimum hourly rate. Contact your CSO Interpreter Services Coordinator to request an interpreter through the interpreter brokerage system.
5. On-demand telephone interpreter services are available as backup to the department's statewide interpreter contracts. Contractor information is available at the following web address: <http://www.ga.wa.gov/pca/pcacont.htm>.
  - a. Services are paid for at a per-minute rate.
  - b. On-demand telephone interpreter services are typically used for interpreting needs that are emergent and / or short in duration. As such, on-demand telephone interpreter services may be required for emergency applications and walk-ins.
  - c. When calling a client on the telephone or receiving an incoming client call, you can use conference call capabilities to get an interpreter on the line.
  - d. Ensure that both the client and the interpreter are aware that such phone calls are covered by DSHS confidentiality rules.

(See: **INTERVIEW REQUIREMENTS – Interpreter Services**)

### **Written Translation Services**

Effective January 18, 2003

<b>WAC 388-271-0030 What are the department's responsibilities in providing me with written communication in my primary language?</b>
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| <ol style="list-style-type: none"><li>(1) We provide fully translated written communication in your primary language. This includes, but is not limited to:<ol style="list-style-type: none"><li>(a) Department pamphlets, brochures and other informational material that describe department services and client rights and responsibilities;</li></ol></li></ol> |
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- (b) Department forms, including applications and individual responsibility plans, that we ask you to complete and/or sign; and
  - (c) Department letters as described in chapter 388-458 WAC.
- (2) We pay for the written translation. You do not have to pay anything.
- (3) We will provide translated documents to you in a timely manner so that we can process your case within the processing timeframes defined in chapter 388-406, 388-418, and 388-434 WAC

**CLARIFYING INFORMATION**

1. Letters must be sent to LEP clients in their primary language. These letters (including all worker fill-ins) must be fully translated for clients whose primary language is anything other than English.
2. For these clients, if an English language letter is sent or if the client has signed an English form that must be fully translated, the Department must reissue the translated letter and give the client time to respond. As a result, actions taken based on the previously released English language letter must be rescinded.

**Translated ACES Correspondence**

1. The following letters are generated by ACES and mailed from State Office:
  - a. All Automated Case Maintenance (ACM) Letters in supported languages. These letters cannot be added to or changed; and
  - b. Letters that are the result of the worker taking an action on a case when the Primary Language Code is a supported language.
2. The following letters must be printed locally and sent to one of the authorized contracted translation agencies through the Fax Translation Service:
  - a. Letters that are the result of the worker taking an action on a case when the Primary Language Code is an unsupported language.

- b. Letters than have free-form text added to them - the Free-Form text can be translated by a certified bilingual worker, if one is available in the CSO, rather than sending the text to a contracted agency.

ACES supported languages include the following:

Cambodian

Chinese

Korean

Laotian

Russian

Spanish

Vietnamese

Somali will become a supported language in early 2003.

## **WORKER RESPONSIBILITIES**

### **1. To ensure LEP clients receive adequate services:**

- a. Identify the client's primary language at first contact.
- b. Inform LEP clients of their right to interpreter (verbal) and translation (written) services and that these services are available to them without charge or significant delay. This includes informing walk-in clients.

**NOTE:** Use the services of an interpreter if you feel you are unable to communicate with the client well enough to provide quality services, even if the client tells you they do not need an interpreter.

- c. Ensure interpreter and translation services are provided in a timely manner so that LEP cases can be processed within the processing timeframes defined in Chapters 388-406 WAC - Applications, 388-418 WAC - Certification Periods, and 388-434 WAC – Eligibility Reviews and Recertifications.
- d. Clearly mark LEP case records with "LEP" and the client's primary language on the front of the record
- e. Indicate any language needs on all referrals of LEP clients to other divisions, administrations, or agencies;
- f. Ensure LEP clients have the same safeguards of confidentiality as English proficient clients; and

- g. Provide assistance to LEP clients in understanding and completing forms. Remember that LEP clients may have learning disabilities, cognitive problems and/or may be illiterate in their native language. Include screening for Necessary Supplemental Accommodation (See: **NECESSARY SUPPLEMENTAL ACCOMODATION - NSA**).

**NOTE:** Authorized representatives of LEP clients receive letters for the LEP client in English.

2. **Provide fully translated DSHS forms in the primary language of the LEP client whenever appropriate:**

- a. Some DSHS forms are available in non-English languages at the following DSHS Forms and Records Management (FRMS) DSHS Intranet web site: [http://asd.dshs.wa.gov/html/oar\\_forms\\_download.htm](http://asd.dshs.wa.gov/html/oar_forms_download.htm) and the Internet web site: <http://www.dshs.wa.gov/dshsforms/index.html>.
- b. If the form has been translated and is not available online, FRMS will fax a copy of the translated form to your CSO. The following is FRMS contact information:

Phone	360.664.6029
Fax	360.664.6186
Email	osterkd@dshs.wa.gov

- c. If the form is not available online, and has not been translated into the language needed for the client, make a request for the translated document through your CSO Translation Coordinator (CSO TC). The CSO TC will complete the General Translation Services Request form (DSHS 17-099) and submit it to the ESA Translation Services Coordinator via fax (360-413-3491) or email ([tejedab@dshs.wa.gov](mailto:tejedab@dshs.wa.gov)).
- d. The ESA Translation Services Coordinator will email a copy of the form to the CSO TC when the translation is complete. The translated form will also be posted at the FRMS web-site.

**NOTE:** Fill-in text can be included on a DSHS form that is being translated for the first time. This information must be provided to the ESA Translation Services Coordinator when the “whole form” translation request is made.

3. **Provide fully translated DSHS publications in the primary language of the client whenever appropriate.**
    - a. Some translated publications are available through the DSHS internet at: <http://www.wa.gov/dshs/geninfo/pubs3.html>
    - b. Publications in languages not available online can be ordered by completing a Communications Request form (DSHS 16-097) and submitting it to Publications Management via fax (360-902-7669) or email ([morganl@dshs.wa.gov](mailto:morganl@dshs.wa.gov)).
  4. **When to use FAX Translation Service**
    - a. Locally generated or client specific documents are translated expeditiously through the **FAX Translation Services** process. These documents could include posters and CSO developed flyers. This process is coordinated through the CSO TC.
    - b. The CSO TC processes the translation order by completing the Fax Translation Order form (DSHS 17-120) and faxing it, with the client specific document that needs to be translated, to an authorized contracted translation agency. Contractor information is available at the following web address: <http://www.ga.wa.gov/pca/pcacont.htm>
- NOTE:** If a specific client needs information contained in a form immediately, you can request the services of an interpreter to explain the information or request a rush translation of the form from the CSO TC.
5. **When you get the final completed translated document from the CSO TC:**
    - a. Make a copy of the English and translated documents;
    - b. Mail the originals of both documents to the client; and
    - c. File the copies in the case record.
  6. **Continue benefits through the advance notice period if the action requires advance notice and the fully translated letter is mailed within the 10-day advance notice period.**

**ACES DOCUMENTATION**

1. On the ADDRESS screen:
  - a. Enter the client's Primary Language (PL) for the language the client reads and understands. (For clients that do not read any language, the PL code should be "EN" for English). The PL codes are listed in alphabetical order by language on F1 Help from the PL. There are 88 PL codes currently available in ACES.
  - b. If the client needs assistance with communicating verbally, indicate that an interpreter is needed in the Interpreter Needed field.
2. Document the following information in the ACES NARRATIVE:
  - a. The date the translation request was given to the CSO translation coordinator.
  - b. The date the translated letter, form or publication was mailed or given to the client.
  - c. The name of the interpreter who provided services for an interview with an LEP client.